

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RYAN J. WINTERS : ORDER OF REVOCATION
_____ : DOCKET NO: 479-06/98-171

At its meeting of June 18, 1998, the State Board of Examiners reviewed information received from the Office of Criminal History Review pursuant to N.J.S.A. 18A:6-7.3 indicating that Ryan J. Winters was convicted in June 1991 on charges of simple assault which involved bodily injury. As a result of that conviction, Winters was disqualified from service in public schools pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Winters did not appeal such disqualification before the Commissioner of Education. Upon review of the above information, at that June meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Winters currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Winters by regular and certified mail on July 17, 1998. The certified mail was returned unclaimed. The regular mail copy was not returned. The Order provided that if Respondent desired to file an Answer to the Order such Answer must be filed within 20 days. Winters never filed an Answer. On November 4, 1998, Winters was provided an additional 10 days to respond to the Order to Show Cause. At its meeting of November 5, 1998, the Board of Examiners voted to table the matter, so that Winters could respond to the second notice. The regular mail copy of the November 4, 1998 notice was not returned. The certified mail copy was returned unclaimed.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Winters' disqualification provides just cause to suspend or revoke his County Substitute certificate. Since Winters failed to respond to the Order to Show Cause, the State

Board of Examiners considered only the Order to Show Cause and the information it had received from the Office of Criminal History Review in the hearing process. At its meeting of January 21, 1999, the State Board of Examiners reviewed the charges in the Order to Show Cause.

As Winters has not responded to the charges in the Order to Show Cause, it is therefore ORDERED that those charges are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is to determine whether Respondent's disqualification, which was predicated on the same assault conviction as was set forth in the Order to Show Cause, represents just cause to act against Respondent's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. Individuals convicted of a crime of violence fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of acts of violence by teaching-staff members. "Teachers... are professional employees to whom the people have entrusted the care and custody of school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321.

In this case, Winters has a conviction for a violent crime that involved bodily injury. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Winters'

disqualification from service in the public schools of this State because of his conviction for simple assault provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Respondent's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Winters' County Substitute certificate.

Accordingly, it is therefore ORDERED that Ryan J. Winters' County Substitute certificate be revoked on this 21st day of January, 1999. It is further ORDERED that Ryan J. Winters return his County Substitute certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: March 15, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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